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Human rights situations that require the Council's attention

Albania,* Andorra,* Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia,* Cyprus,* Czech Republic, Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy, Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Republic of Korea, Romania, Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United Sates of America: draft resolution

25/... Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 22/13 of 21 March 2013 and Assembly resolution 68/183 of 18 December 2013, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Commending the commission of inquiry on human rights in the Democratic People's Republic of Korea for completing its work in a transparent, impartial and consultative

* Non-Member State of the Human Rights Council.

manner,[1] despite the efforts of the Government of the Democratic People's Republic of Korea to reduce access to information by refusing to permit the commission to visit the country,

Acknowledging the efforts of the commission of inquiry to ensure the full transparency of the inquiry by providing comprehensive information on its work to the Government of the Democratic People's Republic of Korea, as well as through the invitations to the representative of the Democratic People's Republic of Korea to public hearings,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to extend any cooperation to the commission of inquiry and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including access to the country,

Stressing the significance of first-hand accounts by victims and witnesses who delivered testimonies at public hearings and confidential interviews held by the commission,

Recalling the call made by the United Nations High Commissioner for Human Rights, in her statement on 18 February 2014, to the international community to use all the mechanisms at its disposal to ensure accountability, including referral to the International Criminal Court,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crime against humanity, as well as at the impunity of perpetrators, as described in the report of the commission of inquiry,

Expressing its serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report of its universal periodic review in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report,

Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Reaffirming the importance of States' engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and with other mechanisms of the Council, for the improvement of their situation of human rights,

[1] See A/HRC/25/63 and A/HRC/25/CRP.1.

1. *Welcomes* the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[1] and reaffirms that the report should be transmitted to all relevant bodies of the United Nations and the Secretary-General for appropriate action,

2. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, as well as arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion; discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

3. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance, so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and release all political prisoners, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To allow all persons who have been abducted or otherwise forcibly disappeared, as well as their descendants, to return immediately to their countries of origin;

4. *Expresses deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law as well as the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

5. *Acknowledges and is deeply troubled* by the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

6. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

7. *Recommends* that the General Assembly submit the report of the commission of inquiry to the Security Council for its consideration and appropriate action in order that those responsible for human rights violations, including those that may amount to crimes against humanity, are held to account, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the appropriate international criminal justice mechanism, and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for crimes against humanity, taking into account the relevant conclusions and recommendations of the commission of inquiry;

8. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea in accordance with 22/13 for a period of one year;

9. *Calls upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire human rights situation in the Democratic People's Republic of Korea;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to follow up urgently on the recommendations made by the commission of inquiry in its report, and to provide the Special Rapporteur with increased support, including

through the establishment of a field-based structure to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders, and to maintain visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

11. *Also requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, effective as of the sixty-ninth session of the Assembly;

12. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

13. *Urges* the Government of the Democratic People's Republic of Korea to invite and to cooperate fully with the Special Rapporteur, and to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate;

14. *Also urges* the Government of the Democratic People's Republic of Korea to participate in its universal periodic review in 2014 in a constructive manner, to commence an open and inclusive review of the situation of human rights in the country, and to provide clear responses to the recommendations presented during the review, without undue delay;

15. *Encourages* the United Nations, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

16. *Encourages* all States who have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

17. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his/her mandate effectively and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

18. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.